

OPINION
46-27

December 14, 1946 (OPINION)

CITIES

RE: Building Permits Apply Also to Building Moved Into City

This is in reply to your letter of December 10 addressed to the Attorney General.

You state that one of your city ordinances provides that: "A permit must be obtained to erect a building; the cost of said permit to be one tenth of one-tenth of one percent of the value of the structure, but not less than \$1.00 nor more than \$10.00." You ask whether a building moved into the city would come within the regulation of such ordinance.

You do not state the purpose of requiring these permits unless it is to regulate the size, manner of construction, materials used, etc., but I see no reason why a permit would not be required where a building is moved into the city as well as where a building is being constructed in the city.

You further state that a city ordinance requires the city auditor to inspect any and all plumbing and sewer works before the water may be turned on. You then inquire whether the mayor of the city may usurp the duties of the auditor.

If a valid ordinance prescribes duties of certain officers, it is, of course, necessary for such officer to comply therewith. If the mayor of the city undertakes to perform, the duty of the auditor without the auditor's consent or approval, such action on the part of the mayor would be invalid.

NELS G. JOHNSON

Attorney General